IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 21196 of 1994

Between:

Pilli Nooka Raju S/o Simhachalam
R/o Lagisettipalem, Sabbavaram (M),
Visakhapatnam District.

..... PETITIONER

AND

1. The District Collector Visakhapatnam.
2. The Mandal Revenue Officer Sabbavaram (M), Visakhapatnam District.
3. Vatsavaya Venkataratnamma W/o Venkatapathi Raju,
   R/o Gottivadapalem (V), Sabbavaram (M),
   Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or order or direction particularly one in the nature of writ of Mandamus directing the respondents 1 & 2 to consider the application for grant of D-Form Patta to the petitioner in respect of the lands in Sy.No.93/7 of an extent of Ac.3-00 situated in Legisettipalem (V), Sabbavaram (M), Visakhapatnam District and not to dispossess the petitioner except by proceedings under Sec.3(d) of the Estates Abolition Act.

Counsel for the Petitioner: MR. P. SRI RAGHU RAM

Counsel for the Respondents 1 &2: G.P FOR REVENUE.

Counsel for the Respondent No.3: MR. K. BHASKARA RAO

The Court made the following:

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ORDER:

Heard both sides.

This writ petition is filed seeking Writ of Mandamus directing the respondents to consider the application of the petitioner for grant of D. Form patta to the petitioner in respect of the lands in Sy.No.93/7 to an extent of Ac.3-00 situated in Legisettipalem village, Sabbavaram Mandal, Visakhapatnam District and not to dispossess the petitioner except by proceeding under Section 3(d) of the Estate Abolition Act.

2. The case of the petitioner is that the lands forms part of the Estate and, therefore, as contemplated under Section 3(d) of the Estates Abolition Act, an enquiry has to be conducted and the petitioner is entitled for grant of Patta. In this connection, the petitioner has filed an application on 26-10-1992 and the same is still pending.

3. Having considered the submissions made and having regard to the fact that admittedly the application of the petitioner is still pending and no orders are passed, it is not necessary to go into the merits of the case, and it would suffice in the interests of justice to direct the first respondent to consider the same and pass orders in accordance with law after giving notice and opportunity to the petitioner.

4. The writ petition is accordingly disposed of. No costs.

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B. RAKASH RAO, J

Dt.09-09-2004

Glv/skmr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copies to

1. The District Collector, Visakhapatnam.
2. The Mandal Revenue Officer Sabbavaram (M), Visakhapatnam District.
3. Two CCs to the Government Pleader for Revenue, High Court Buildings, Hyderabad. (O.U.T)

4. Two C D copies.